

REMARKS

Claims 1-8, 10-20 are currently pending in the present application. Reexamination and reconsideration of the application are respectfully requested.

ALLOWABLE SUBJECT MATTER

Applicant graciously acknowledges the allowable subject matter indicated on page 7 of the Action. However, it is respectfully submitted that claims 1-9 recite limitations that are not fairly taught by the cited references, whether taken alone or taken in combination.

REJECTION OF CLAIMS 1-8 UNDER 35 U.S.C. 103(a)

Claims 1-8 are rejected under 35 U.S.C. 103(a) for the reasons set forth on pages 2-7 of the Action. Specifically, claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katoh et al. (U.S. Pat. No. 5,796,430) (hereinafter referred to as "Katoh" or "Katoh reference") in view of Suzuki (U.S. Pat. No. 5,500,521) (hereinafter referred to as "Suzuki" or "Suzuki reference").

As advanced previously in papers filed in the past, Katoh fails to fairly teach or suggest, "receiving a defective pixel location that does not vary from frame to frame." For example, FIGS. 2, 12, 15 and 16 all describe different techniques for detecting white spot noise (see col 2, lines 46-48 & col. 3, lines 6-21). Steps 203 and 1203 of FIGS. 2 and 12, respectively, are vague as to how a threshold for determining white spot noise is calculated (see, col. 4, lines 31-33 & col. 6, lines 47-51) and subsequently used in detecting pixels with white noise. Similarly, FIG. 16 describes steps 1602 and 1603, where a threshold is determined and then used to detect the pixel with white noise. However, Katoh is silent as to how precisely these steps are performed. Also, FIG. 15 describes how to calculate the

threshold level (see, col. 7, lines 48-58). However, the calculation appears to lead to defective pixel locations that will vary from frame to frame as the conditions (e.g., temperature or gain of AGC) change. Also, as advanced previously in papers filed in the past, Katoh fails to fairly teach or suggest, "when the current pixel location is a defective pixel location, providing a consistent replacement pixel value as the output pixel value."

Furthermore, the Action states that Katoh discloses the claimed invention, but does not disclose "storing the defective pixel locations in a sorted order; wherein a search of the table to determine if a current pixel location is a defective pixel location is obviated," as claimed. The Action then cites the Suzuki reference for teaching the above claimed limitation. The Action further states that it would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine elements from the Katoh system and elements from the Suzuki system to arrive at the claimed invention.

The rejections under 35 U.S.C. 103 are respectfully traversed, at least insofar as applied to the new and amended claims, and reconsideration and reexamination of the application is respectfully requested for the reasons set forth hereinbelow. Moreover, this combination is contested as improper for the reasons advanced below. However, even if this combination were proper, which is not conceded, the resulting combination would still fail to teach or suggest the claimed invention. It is respectfully submitted that the Katoh reference, whether alone or in combination with the Suzuki reference, fails to teach or suggest inter alia the claim limitations recited by claims 1-8.

The Action cites col. 6, lines 30-57, col. 7, lines 7-18 of Suzuki as teaching the language, "storing the defective pixel locations in a sorted order; wherein a search of the table

to determine if a current pixel location is a defective pixel location is obviated,” as claimed. It is noted that in the case, where many pixels are presumed to have white flaws, only the pixel output signals are stored in the memory (see col. 6, lines 30-42) It is respectfully submitted that pixel output signals are not the same and do not fairly teach “defective pixel locations” as claimed.

Furthermore, the correspondence between the pixel address and memory address used to store a particular pixel output signal (col. 6, lines 32-34) is not the same and does not fairly teach or suggest, “storing the defective pixel locations in a sorted order,” as claimed. Moreover, it is noted that using the above-described correspondence to support reading from or writing to memory 61 by using direct memory access (DMA) techniques (col. 7, lines 1-15) is not the same and does not fairly teach or suggest, “wherein a search of the table to determine if a current pixel location is a defective pixel location is obviated,” as claimed.

DMA is a well known technique for transferring data from a memory to a device without passing it through the CPU. For example, it appears that the Suzuki system uses DMA so that data can be written to and read from RAM 61 without having to go through CPU 57. However, it is respectfully submitted that the cited portions of Suzuki fail to fairly teach or suggest the limitations and efficiencies recited by the claimed invention. In addition, with respect to the second case (i.e., few white flaw pixels), the CPU 57 stores the read out signals in the RAM 61. In other words, the time savings provided by DMA techniques for the first case (many white flaw pixels) are not available in the second case. Consequently, the storage format of data in the second case does not reduce processing time as suggested by the Action.

Furthermore, it is noted that the dependent claims 2-8 incorporate all the limitations of the independent claims. Furthermore, the dependent claims also add additional limitations, thereby making the dependent claims a fortiori and independently patentable over the cited references.

Furthermore, it is respectfully submitted that the cited references (e.g., Katoh and Suzuki) are improperly combined. It appears that the Action uses improper hindsight to selectively pick elements from Katoh and elements from Suzuki to arrive at the claimed invention. Specifically, it appears that the current patent application has been improperly used as a basis for the motivation to combine or modify the components selected from Katoh and Suzuki to arrive at the claimed invention. Stated differently, the proposed combination of the cited references appear to be based on hindsight since the cited references do not teach or suggest a motivation to combine the respective elements of each reference in the manner proposed by the Action.

The Federal Circuit has held, "It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated, "[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." (quoting *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988)). *In re Fritch*, 23 USPQ 2d 1780, 1784 (Fed. Cir. 1992). [emphasis added.]

Furthermore, the Federal Circuit has held, "The combination of elements from non-analogous sources, in a manner that reconstructs the applicant's invention only with the

benefit of hindsight, is insufficient to present a prima facie case of obviousness. There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge can not come from the applicant's invention itself." In re Oetiker, 977 F.2d 1443, 24 USPQ 2d 1443, 1446 (Fed. Cir. 1992). Accordingly, it is respectfully requested that the rejection of the claims under 35 U.S.C. 103(a) be withdrawn.

For all the reasons advanced above, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the pending claims are requested, and allowance is earnestly solicited at an early date. The Examiner is invited to telephone the undersigned if the Examiner has any suggestions, thoughts or comments, which might expedite the prosecution of this case.


Respectfully submitted,



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I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office (fax no.: 571-273-8300) on the date below.


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March 8, 2006
(Date)